

## TITLE 18.—CRIMES AND CRIMINAL PROCEDURE

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#### NEW TITLE 18

Congress by the enactment of act June 25, 1948, ch. 645, 62 Stat. 683, revised and codified Title 18 into positive law.

#### REPEALED, TRANSFERRED, AND OMITTED SECTIONS

All former sections of Title 18 were repealed, transferred to other titles, or omitted by said act June 25, 1948, except for sections 595, 644, 726-1, 726a, 729, 730, and 732 which were repealed by act June 25, 1948, ch. 646, 62 Stat. 687, the act revising and codifying Title 28, Judiciary and Judicial Proceedings, into positive law.

#### DISTRIBUTION TABLE

For distribution of provisions of former sections of Title 18, into new Title 18, see Distribution Tables.

#### FEDERAL RULES OF CRIMINAL PROCEDURE

The authority to promulgate Criminal Rules of Federal Procedure contained in former section 687 is now covered by section 3771 of this title.

## Part I.—CRIMES

### Chapter I.—GENERAL PROVISIONS

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10. Interstate commerce and foreign commerce defined.
11. Foreign government defined.
12. Postal Service defined.
13. Laws of States adopted for areas within Federal jurisdiction.
14. Applicability to Canal Zone.

## SENATE REVISION AMENDMENT

In the analysis of sections under this chapter heading, a new item, "14. Applicability to Canal Zone", was inserted by Senate amendment, to follow underneath item 13, inasmuch as a new section 14, with such a catchline, was inserted, by Senate amendment, in this chapter. See Senate Report No. 1620, amendments Nos. 1 and 3.

## § 1. Offenses classified.

Notwithstanding any Act of Congress to the contrary:

- (1) Any offense punishable by death or imprisonment for a term exceeding one year is a felony.
- (2) Any other offense is a misdemeanor.
- (3) Any misdemeanor, the penalty for which does not exceed imprisonment for a period of six months or a fine of not more than \$500, or both, is a petty offense. (June 25, 1948, ch. 645, § 1, 62 Stat. 684, eff. Sept. 1, 1948.)

## LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 18 (Mar. 4, 1909, ch. 321, § 335, 35 Stat. 1152; Dec. 16, 1930, ch. 15, 46 Stat. 1029).

*Clarification of felony and misdemeanor punishments.*—The former Committee on Revision of the Laws of the House received from members of the Federal bench and bar numerous requests that the inconsistency between the provisions of section 541 of title 18, U. S. C., 1940 ed., and the 29 sections listed below, be eliminated.

Said 29 sections appear in the United States Code, 1940 ed., as listed:

Title	Section	Title	Section
8.....	138	15.....	13a
8.....	139	18.....	402 (2)
8.....	142	18.....	709
8.....	143	19.....	1305
8.....	279	19.....	1593
8.....	281	19.....	1600
10.....	15	19.....	1601
10.....	866 (e)	21.....	333 (a), (b)
11.....	205 (p)	22.....	131
12.....	95	38.....	103
12.....	581	46.....	808
12.....	591	46.....	1228
12.....	592	49.....	10
12.....	1121	49.....	121
12.....	1311		

Several of these sections will appear in this revision, and in all such instances the language denominating the crime as a misdemeanor was deleted.

United States District Judge C. C. Wyche, of the Western District of South Carolina, suggested that said section 541 be repealed and that a new section be enacted defining felonies and misdemeanors according to nature of offense instead of by punishment to be inflicted.

United States District Judge W. Calvin Chesnut, of the District of Maryland, suggested a clarification of the definition and classification of Federal crimes—treason and possibly those providing capital punishment, felonies, misdemeanors, and petty offenses.

This section as revised conforms substantially with a draft submitted by the Lawyers' Club of Los Angeles through Rollin L. McNitt, chairman of its legislative committee.

Two circuit courts of appeals have held that if a statute specifically designated a crime as a "misdemeanor" but prescribed a punishment which would bring it within the definition of a felony under section 541 of title 18, U. S. C., 1940 ed., the definition was controlling, notwithstanding the specific designation of the crime as a "misdemeanor." (See *Hoss v. United States*, Okl. 1916, 232 F. 328, 146 C. C. A. 376; and *Sheridan v. United States*, Or. 1916, 236 F. 305, 149 C. C. A. 437, certiorari denied, 1916, 37 S. Ct. 402, 243 U. S. 638, 61 L. ed. 942.)

One district court, however, has twice ruled that the specific description of a crime as a "misdemeanor" was controlling. (See *United States v. Venturini*, D. C. Ala. 1931, 1 F. Supp. 213 and *Chapman v. United States*, D. C. Ala. 1931, 3 F. Supp. 900.)

The Supreme Court of the United States has never specifically passed upon this point. (See however, *Carroll v. United States*, 1924, 45 S. Ct. 280, 267 U. S. 132, 69 L. ed. 543.)

The word "misdemeanor" is used in paragraph (3) in preference to the word "offenses" to conform to the interpretation of "petty offenses" by the Supreme Court of the United States in *Duke v. United States* (1937, 57 S. Ct. 835, 301 U. S. 492, 81 L. ed. 1243), wherein the Court stated that the evident object of the proviso, now paragraph (3), was to bring about a "subdivision of misdemeanors of minor gravity to be known as petty offenses."

*Confinement in common jail.*—Word "imprisonment" in paragraph (3) was substituted for "confinement in a common jail", since it is unnecessary to describe the place of confinement in view of section 4082 of this title, which provides that all persons convicted of an offense against the United States shall be committed for such terms of imprisonment as the court may direct, to the custody of the Attorney General of the United States or his authorized representative, who shall designate the places of confinement where the sentences of all such persons shall be served.

*Omission of hard labor provisions.*—Words "without hard labor" before "for a period of six months" were omitted to conform to policy followed by codifiers of 1909 Criminal Code, and because such a provision is obsolete in view of section 4082 of this title, authorizing commitment to the custody of the Attorney General and sections 4001 and 4121 et seq. of this title, making all Federal prisoners subject to whatever discipline may be prescribed in the prisons to which they are committed. (See S. Rept. 10, pt. I, pp. 12 and 13, 60th Cong., 1st sess., to accompany S. 2982.)

*Omission of information or complaint.*—The provision "and all such petty offenses may be prosecuted upon information or complaint" was omitted as covered by rule 7 (a) of the Federal Rules of Criminal Procedure.

*Reconciliation of punishment provisions.*—A comparative study was made of the penalty provisions of all offenses enumerated in part I of this title. In attempting to reconcile inconsistent and incongruous punishments for offenses involving the same degree of moral turpitude, the following criteria were generally observed.

1. Heinous felonies: For a felony involving a high degree of moral turpitude, such as treason, murder, kidnapping, robbery, etc., a severe penalty was considered justified.

2. Ordinary felonies: For a felony involving a lesser degree of moral turpitude than a heinous felony, a maximum imprisonment of 5 years was adopted. At present numerous statutes, such as the National Motor Vehicle Theft Act and the White Slave Traffic Act, carry the 5-year imprisonment penalty, while fraud, filing false statements, etc., carry a 10-year imprisonment penalty. These discrepancies seem incongruous, especially when it is remembered that the maximum penalty is rarely imposed.

3. Offense mala prohibita: For violations of regulatory statutes, constituting mala prohibita, a maximum imprisonment penalty of 1 year seemed adequate. This prevents the stigma and consequence of a felony conviction from attaching to the defendant and, on the other hand, would facilitate and expedite prosecutions by making it possible to prosecute by information. Moreover, juries frequently are reluctant to convict any defendants if they know the potential maximum penalty is excessive, although it is seldom imposed in actual practice.

4. Miscellaneous: All 18-month imprisonment penalties were eliminated. They were increased if the nature of the offense warranted it or reduced to 1 year in order that the offense be made a misdemeanor.

#### SEPARABILITY PROVISIONS

If any part of Title 18, Crimes and Criminal Procedure, as set out in section 1 of this Act, shall be held invalid the remainder shall not be affected thereby.

#### LEGISLATIVE CONSTRUCTION

No inference of a legislative construction is to be drawn by reason of the chapter in Title 18, Crimes and Criminal Procedure, as set out in section 1 of this Act, in which any particular section is placed, nor by reason of the catchlines used in such title.

#### CROSS REFERENCES

Joinder, see Rule 8 of Federal Rules of Criminal Procedure.

### § 2. Principals.

(a) Whoever commits an offense against the United States, or aids, abets, counsels, commands, induces, or procures its commission, is a principal.

(b) Whoever causes an act to be done, which if directly performed by him would be an offense against the United States, is also a principal and punishable as such. (June 25, 1948, ch. 645, § 1, 62 Stat. 684, eff. Sept. 1, 1948.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 18, U. S. C., 1940 ed., § 550 (Mar. 4, 1909, ch. 321, § 332, 35 Stat. 1152).

Section 2 (a) comprises section 550 of title 18, U. S. C., 1940 ed., without change except in minor matters of phraseology.

Section 2 (b) is added to permit the deletion from many sections throughout the revision of such phrases as "causes or procures".

The section as revised makes clear the legislative intent to punish as a principal not only one who directly commits an offense and one who "aids, abets, counsels, commands, induces or procures" another to commit an offense, but also anyone who causes the doing of an act which if done by him directly would render him guilty of an offense against the United States.

It removes all doubt that one who puts in motion or assists in the illegal enterprise but causes the commission of an indispensable element of the offense by an innocent agent or instrumentality, is guilty as a principal even though he intentionally refrained from the direct act constituting the completed offense.

This accords with the following decisions: *Rothenburg v. United States*, 1918, 38 S. Ct. 18, 245 U. S. 480, 62 L. Ed. 414, and *United States v. Hodorowicz*, C. C. A. III, 1939, 105 F. 2d 218, certiorari denied, 60 S. Ct. 108, 808 U. S. 584, 84 L. Ed. 489. *United States v. Giles*, 1937, 57 S. Ct. 340, 300 U. S. 41, 81 L. Ed. 493, rehearing denied, 57 S. Ct. 505, 300 U. S. 687, 81 L. Ed. 888.

### § 3. Accessory after the fact.

Whoever, knowing that an offense against the United States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact.

Except as otherwise expressly provided by any Act of Congress, an accessory after the fact shall be imprisoned not more than one-half the maximum term of imprisonment or fined not more than one-half the maximum fine prescribed for the punishment of the principal, or both; or if the principal is punishable by death, the accessory shall be imprisoned not more than ten years. (June 25, 1948, ch. 645, § 1, 62 Stat. 684, eff. Sept. 1, 1948.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 18, U. S. C., 1940 ed., § 551 (Mar. 4, 1909, ch. 321, § 333, 35 Stat. 1152).

The first paragraph is new. It is based upon authority of *Skelly v. United States* (C. C. A. Okl. 1935, 76 F. 2d 483, certiorari denied, 1935, 55 S. Ct. 914, 295 U. S. 757, 79 L. ed. 1699), where the court defined an accessory after the fact as—

one who knowing a felony to have been committed by another, receives, relieves, comforts, or assists the felon in order to hinder the felon's apprehension, trial, or punishment—

and cited *Jones' Blackstone*, books 3 and 4, page 2204; *U. S. v. Hartwell* (Fed. Cas. No. 15,318); *Albritton v. State* (32 Fla. 358, 13 So. 955); *State v. Davis* (14 R. I. 281); *Schieeter v. Commonwealth* (218 Ky. 72, 290 S. W. 1075). (See also *State v. Potter*, 1942, 221 N. C. 153, 19 S. E. 2d 257; *Hunter v. State*, 1935, 128 Tex. Cr. R. 191, 79 S. W. 2d 855; *State v. Wells*, 1940, 195 La. 754, 197 So. 419.)

The second paragraph is from section 551 of title 18, U. S. C., 1940 ed. Here only slight changes were made in phraseology.

### § 4. Misprision of felony.

Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined not more than \$500 or imprisoned not more than three years, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 684, eff. Sept. 1, 1948)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 18, U. S. C. 1940 ed., § 251 (Mar. 4, 1909, ch. 321, § 146, 35 Stat. 1114).

Changes in phraseology only.

#### CROSS REFERENCES

Concealing persons engaged in espionage, see section 792 of this title.

Harboring fugitives from justice, see sections 1071 et seq. of this title.

### § 5. United States defined.

The term "United States", as used in this title in a territorial sense, includes all places and waters, continental or insular, subject to the jurisdiction of the United States, except the Canal Zone. (June 25, 1948, ch. 645, § 1, 62 Stat. 685, eff. Sept. 1, 1948.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 18, U. S. C., 1940 ed., §§ 39, 133, 346, 381, 502, and 632, and section 40 of title 50, U. S. C., 1940 ed., War and National Defense (June 15, 1917, ch. 30, title XIII, § 1, 40 Stat. 231).

Section consolidates the first sentence of section 39, all of sections 133, 346, and 632, and the second sentences, respectively, of sections 381 and 502, all of title 18, U. S. C., 1940 ed., and section 40 of title 50, U. S. C., 1940 ed., War and National Defense, with minor changes in phraseology.

All of these sections and parts of sections were derived from section 1 of title XIII of said act of June 15, 1917. Said section 40 of title 50, U. S. C., War and National Defense, has also been retained in that title, as it still relates to some sections therein which were not transferred to this title.

The remainder of said section 39 of title 18, U. S. C., 1940 ed., which was derived from sections 2, 3, and 4 of title XIII of the act of June 15, 1917, relating to jurisdiction and other matters, is almost entirely obsolete. The provisions still in force are incorporated in section 3241 of this title.

The remaining provisions of said sections 381 and 502 of title 18, U. S. C., 1940 ed., which were derived from sources

other than said section 1 of title XIII of the act of June 15, 1917, are incorporated in sections 1364 and 2275 of this title.

#### SENATE REVISION AMENDMENT

Words, “, except the Canal Zone.”, were inserted in this section by Senate amendment. See Senate Report No. 1620, amendment No. 2.

### § 6. Department and agency defined.

As used in this title:

The term “department” means one of the executive departments enumerated in section 1 of Title 5, unless the context shows that such term was intended to describe the executive, legislative, or judicial branches of the government.

The term “agency” includes any department, independent establishment, commission, administration, authority, board or bureau of the United States or any corporation in which the United States has a proprietary interest, unless the context shows that such term was intended to be used in a more limited sense. (June 25, 1948, ch. 645, § 1, 62 Stat. 685, eff. Sept. 1, 1948.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—This section defines the terms “department” and “agency” of the United States. The word “department” appears 57 times in title 18, U. S. C., 1940 ed., and the word “agency” 14 times. It was considered necessary to define clearly these words in order to avoid possible litigation as to the scope or coverage of a given section containing such words. (See *United States v. Germaine*, 1878, 99 U. S. 508, 25 L. ed. 482, for definition of words “department” or “head of department.”)

The phrase “corporation in which the United States has a proprietary interest” is intended to include those governmental corporations in which stock is not actually issued, as well as those in which stock is owned by the United States. It excludes those corporations in which the interest of the Government is custodial or incidental.

### § 7. Special maritime and territorial jurisdiction of the United States defined.

The term “special maritime and territorial jurisdiction of the United States”, as used in this title, includes:

(1) The high seas, any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, and any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State.

(2) Any vessel registered, licensed, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, or any of the waters connecting them, or upon the Saint Lawrence River where the same constitutes the International Boundary Line.

(3) Any lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.

(4) Any island, rock, or key containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States. (June 25, 1948, ch. 645, § 1, 62 Stat. 685, eff. Sept. 1, 1948.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 18, U. S. C., 1940 ed., § 451 (Mar. 4, 1909, ch. 321, § 272, 35 Stat. 1142; June 11, 1940, ch. 323, 54 Stat. 304).

The words “The term ‘special maritime and territorial jurisdiction of the United States’ as used in this title includes:” were substituted for the words “The crimes and offenses defined in sections 451–468 of this title shall be punished as herein prescribed.”

This section first appeared in the 1909 Criminal Code. It made it possible to combine in one chapter all the penal provisions covering acts within the admiralty and maritime jurisdiction without the necessity of repeating in each section the places covered.

The present section has made possible the allocation of the diverse provisions of chapter 11 of title 18, U. S. C., 1940 ed., to particular chapters restricted to particular offenses, as contemplated by the alphabetical chapter arrangement.

In several revised sections of said chapter 11 the words “within the special maritime and territorial jurisdiction of the United States” have been added. Thus the jurisdictional limitation will be preserved in all sections of said chapter 11 describing an offense.

Enumeration of names of Great Lakes was omitted as unnecessary.

Other minor changes were necessary now that the section defines a term rather than the place of commission of crime or offense; however, the extent of the special jurisdiction as originally enacted has been carefully followed.

### § 8. Obligation or other security of the United States defined.

The term “obligation or other security of the United States” includes all bonds, certificates of indebtedness, national bank currency, Federal Reserve notes, Federal Reserve bank notes, coupons, United States notes, Treasury notes, gold certificates, silver certificates, fractional notes, certificates of deposit, bills, checks, or drafts for money, drawn by or upon authorized officers of the United States, stamps and other representatives of value, of whatever denomination, issued under any Act of Congress, and canceled United States stamps. (June 25, 1948, ch. 645, § 1, 62 Stat. 685, eff. Sept. 1, 1948.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 18, U. S. C., 1940 ed., § 261 (Mar. 4, 1909, ch. 321, § 147, 35 Stat. 1115; Jan. 27, 1938, ch. 10, § 3, 52 Stat. 7).

The terms of this section were general enough to justify its inclusion in this chapter rather than retaining it in the chapter on “Counterfeiting” where the terms which it specifically defines are set out in sections 471–476, 478, 481, 483, 492, and 504 of this title.

Words “Federal Reserve notes, Federal Reserve bank notes” were inserted before “coupons” because such notes have almost supplanted national bank currency.

Minor changes were made in phraseology.

### § 9. Vessel of the United States defined.

The term “vessel of the United States”, as used in this title, means a vessel belonging in whole or in part to the United States, or any citizen thereof, or any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof. (June 25, 1948, ch. 645, § 1, 62 Stat. 685, eff. Sept. 1, 1948.)

## LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 18, U. S. C., 1940 ed., § 501 (Mar. 4, 1909, ch. 321, § 310, 35 Stat. 1148).

Section is made applicable to the entire title rather than to sections 481 et seq. of title 18, U. S. C., 1940 ed.

Minor changes in phraseology were made.

### § 10. Interstate commerce and foreign commerce defined.

The term "interstate commerce", as used in this title, includes commerce between one State, Territory, Possession, or the District of Columbia and another State, Territory, Possession, or the District of Columbia.

The term "foreign commerce", as used in this title, includes commerce with a foreign country. (June 25, 1948, ch. 645, § 1, 62 Stat. 686, eff. Sept. 1, 1948.)

## LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 13, U. S. C., 1940 ed., §§ 408, 408b, 414 (a), and 419a (b) (Oct. 29, 1919, ch. 89, § 2 (b), 41 Stat. 325; June 22, 1932, ch. 271, § 2, 47 Stat. 326; May 18, 1934, ch. 301, 43 Stat. 782; May 22, 1934, ch. 333, § 2 (a), 48 Stat. 794; Aug. 18, 1941, ch. 366, § 2 (b), 55 Stat. 631).

This section consolidates into one section identical definitions contained in sections 408, 408b, 414 (a), and 419a (b) of title 13, U. S. C., 1940 ed.

In addition to slight improvements in style, the word "commerce" was substituted for "transportation" in order to avoid the narrower connotation of the word "transportation" since "commerce" obviously includes more than "transportation." The word "Possession" was inserted in two places to make the definition more accurate and comprehensive since the places included in the word "Possession" would normally be within the term defined and a narrower construction should be handled by express statutory exclusion in those crimes which Congress intends to restrict to commerce within the continental United States.

### § 11. Foreign government defined.

The term "foreign government", as used in this title, includes any government, faction, or body of insurgents within a country with which the United States is at peace, irrespective of recognition by the United States. (June 25, 1948, ch. 645, § 1, 62 Stat. 686, eff. Sept. 1, 1948.)

## LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 18, U. S. C., 1940 ed., §§ 98, 288, 349; section 235 of title 22 U. S. C., 1940 ed., Foreign Relations and Intercourse; section 41 of title 50, U. S. C., 1940 ed., War and National Defense (June 15, 1917, ch. 30, title VIII, § 4, 40 Stat. 226).

The definition of "foreign government" contained in this section, with minor changes in phraseology, is from section 4 of title VIII of act June 15, 1917 (Ch. 30, 40 Stat. 217, 226), known as the Espionage Act of 1917. This definition was incorporated in sections 98, 288, and 349 of title 18 and in section 235 of title 22, Foreign Relations and Intercourse, and in section 41 of title 50, War and National Defense, U. S. C., all in 1940 ed., since the definition was specifically enacted with reference to said sections and others not material here.

The remaining provisions of said sections 98 and 349 of title 18, U. S. C., 1940 ed., which were derived from sources other than said section 4 of title VIII of the act of June 15, 1917, are incorporated in sections 502 and 957 of this title.

### § 12. Postal Service defined.

The term "Postal Service", as used in this title, includes the "Post Office Department" and every employee thereof, whether or not he has taken the

oath of office. (June 25, 1948, ch. 645, § 1, 62 Stat. 686, eff. Sept. 1, 1948.)

## LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 18, U. S. C., 1940 ed., §§ 301, 360 (Mar. 4, 1909, ch. 321, §§ 230, 231, 35 Stat. 1134).

This section consolidates sections 301 and 360 of title 18, U. S. C., 1940 ed., with necessary changes in phraseology.

### § 13. Laws of states adopted for areas within federal jurisdiction.

Whoever within or upon any of the places now existing or hereafter reserved or acquired as provided in section 7 of this title, is guilty of any act or omission which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted within the jurisdiction of the State, Territory, Possession, or District in which such place is situated, by the laws thereof in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment. (June 25, 1948, ch. 645, § 1, 62 Stat. 686, eff. Sept. 1, 1948.)

## LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 18, U. S. C., 1940 ed., § 468 (Mar. 4, 1909, ch. 321, § 289, 35 Stat. 1145; June 15, 1933, ch. 85, 48 Stat. 152; June 20, 1935, ch. 284, 49 Stat. 394; June 6, 1940, ch. 241, 54 Stat. 234).

Act March 4, 1909, § 289 used the words "now in force" when referring to the laws of any State, organized Territory or district, to be considered in force.

As amended on June 15, 1933, the words "by the laws thereof in force on June 1, 1933, and remaining in force at the time of the doing or omitting the doing of such act or thing, would be penal," were used.

The amendment of June 20, 1935, extended the date to "April 1, 1935," and the amendment of June 6, 1940, extended the date to "February 1, 1940".

The revised section omits the specification of any date as unnecessary in a revision, which speaks from the date of its enactment. Such omission will not only make effective within Federal reservations, the local State laws in force on the date of the enactment of the revision, but will authorize the Federal courts to apply the same measuring stick to such offenses as is applied in the adjoining State under future changes of the State law and will make unnecessary periodic pro forma amendments of this section to keep abreast of changes of local laws. In other words, the revised section makes applicable to offenses committed on such reservations, the law of the place that would govern if the reservation had not been ceded to the United States.

The word "Possession" was inserted to clarify scope of section.

Minor changes were made in phraseology.

### § 14. Applicability to Canal Zone.

In addition to the sections of this title which by their terms apply to and within the Canal Zone, the following sections of this title shall likewise apply to and within the Canal Zone: 6, 8, 11, 331, 371, 472, 474, 478, 479, 480, 481, 482, 483, 485, 488, 489, 490, 499, 502, 506, 594, 595, 598, 600, 601, 604, 605, 608, 611, 612, 703, 756, 791, 792, 793, 794, 795, 796, 797, 915, 917, 951, 953, 954, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 1017, 1073, 1301, 1364, 1382, 1542, 1543, 1544, 1546, 1584, 1621, 1622, 1761, 1821, 1914, 2151, 2152, 2153, 2154, 2155, 2156, 2199, 2231, 2234, 2235, 2274, 2275, 2277, 2384, 2385, 2388, 2389, 2390, 2421, 2422, 2423, 2424, 3059, 3105, 3109. (June 25, 1948, ch. 645, § 1, 62 Stat. 686, eff. Sept. 14, 1948.)

## SENATE REVISION AMENDMENT

This amendment, adding a new section 14, together with amended section 5 will clarify the applicability of Federal criminal statutes within the Canal Zone. It was particularly desired by the Governor of the Canal Zone and the compiler of the Canal Zone Code. The Governor of the Canal Zone, in a letter dated September 22, 1945, and filed with the House Judiciary Committee, advised:

"General criminal laws of the United States are now applicable to the Canal Zone only if applicability is indicated by language expressly referring to the Canal Zone, or to possessions of the United States, or to territory subject to the jurisdiction of the United States, etc. \* \* \* The bill in its present form would have undesirable effects insofar as concerns the continued operation of the Canal Zone Criminal Code and Code of Criminal Procedure, established by Congress as titles 5 and 6 of the Canal Zone Code, enacted by act of June 19, 1934 (ch. 667, 48 Stat. 1122), and also would perhaps have undesirable effects insofar as concerns the continued applicability to the Canal Zone of the body of general criminal laws which are now applicable."

## Chapter 3.—ANIMALS, BIRDS, AND FISH

Sec.

41. Hunting, fishing, trapping; disturbance or injury on wildlife refuges.
42. Importation of injurious animals and birds; permits; specimens for museums.
43. Transportation or importation in violation of state, national, or foreign laws.
44. Marking packages or containers.
45. Capturing or killing carrier pigeons.

## LEGISLATIVE HISTORY

*Reviser's Note.*—The criminal provisions of the Migratory Bird Treaty Act, sections 703-711 of title 16, U. S. C., 1940 ed., Conservation, and the Migratory Bird Conservation Act, sections 715-715r of title 16, U. S. C., 1940 ed., Conservation, were considered for inclusion in this chapter. Since these provisions, except parts of sections 704-707 of said title 16, are so inextricably interwoven with the Migratory Bird Acts, it was found advisable to exclude them.

## § 41. Hunting, fishing, trapping; disturbance or injury on wildlife refuges.

Whoever, except in compliance with rules and regulations promulgated by authority of law, hunts, traps, captures, willfully disturbs or kills any bird, fish, or wild animal of any kind whatever, or takes or destroys the eggs or nest of any such bird or fish, on any lands or waters which are set apart or reserved as sanctuaries, refuges or breeding grounds for such birds, fish, or animals under any law of the United States or willfully injures, molests, or destroys any property of the United States on any such lands or waters, shall be fined not more than \$500 or imprisoned not more than six months, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 686, eff. Sept. 1, 1948.)

## LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 18, U. S. C., 1940 ed., § 145 and §§ 676, 682, 683, 685, 688, 689b, 692a, and 694a of title 16, U. S. C., 1940 ed., Conservation (Jan. 24, 1905, ch. 137, § 2, 33 Stat. 614; June 29, 1906, ch. 3593, § 2, 34 Stat. 607; Mar. 4, 1909, ch. 321, § 84, 35 Stat. 1104; Aug. 11, 1916, ch. 313, 89 Stat. 476; June 5, 1920, ch. 247, § 2, 41 Stat. 986; Apr. 15, 1924, ch. 108, 43 Stat. 98; Feb. 28, 1925, ch. 376, 43 Stat. 1091; July 3, 1926, ch. 744, § 6, 44 Stat. 821; July 3, 1926, ch. 776, § 3, 44 Stat. 889; June 28, 1930, ch. 709, § 2, 46 Stat. 828; Mar. 10, 1934, ch. 54, § 2, 48 Stat. 400; Reorg. Plan No. II, § 4 (f), 4 F. R. 2731, 53 Stat. 1433).

This revised section condenses, consolidates, and simplifies similar provisions of sections 676, 682, 683, 685, 688, 689b, 692a, and 694a of title 16, U. S. C., 1940 ed., with section 145 of title 18, U. S. C., 1940 ed., with such changes

of phraseology as make clear the intent of Congress to protect all wildlife within Federal sanctuaries, refuges, fish hatcheries, and breeding grounds. Irrelevant provisions of such sections in title 16 are to be retained in that title.

Because of the general nature of this consolidated section, no specific reference is made to rules and regulations issued by the Secretary of the Interior or any other personage, but only to rules and regulations "promulgated by authority of law".

The punishment provided by the sections consolidated varied from a fine not exceeding \$100 or imprisonment not exceeding 6 months, or both, in section 694a of title 16, U. S. C., 1940 ed., to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year, or both, in sections 676, 685, and 688 of such title 16. The revised section adopts the punishment provisions of the other five sections.

The references to "misdemeanor" in sections 676, 685, 688, 689b, 692a, and 694a of title 16, U. S. C., 1940 ed., were omitted as unnecessary in view of definition of "misdemeanor" in section 1 of this title, and also to conform with policy followed by codifiers of the 1909 Criminal Code, as stated in Senate Report 10, part 1, pages 12, 13, 14, Sixtieth Congress, first session, to accompany S. 2982.

Words "upon conviction", contained in sections 676, 685, 688, 689b, 692a, and 694a of title 16, U. S. C., 1940 ed., were omitted as surplusage, because punishment can be imposed only after conviction.

Words "in any United States court of competent jurisdiction", in sections 676, 685, and 688 of title 16, U. S. C., 1940 ed., words "in any United States court", in sections 689b, 692a, and 694a of such title 16, and words "in the discretion of the court", in said sections 676, 685, 688, and 689b, were likewise omitted as surplusage.

## § 42. Importation of injurious animals and birds; permits; specimens for museums.

(a) The importation into the United States of the mongoose, the so-called "flying foxes" or fruit bats, the English sparrow, the starling, and such other birds and animals as the Secretary of the Interior may declare to be injurious to the interests of agriculture or horticulture, is prohibited; and all such birds and animals shall, upon arrival at any port of the United States, be destroyed or returned at the expense of the owner.

No person shall import into the United States any foreign wild animal or bird, except under special permit from the Secretary of the Interior.

This section shall not restrict the importation of natural-history specimens for museums or scientific collections, or of certain cage birds, such as domesticated canaries, parrots, or such other birds as the Secretary of the Interior may designate.

The Secretary of the Treasury may issue regulations to effectuate this section.

(b) Whoever violates this section shall be fined not more than \$500 or imprisoned not more than six months, or both. (June 25, 1948, ch. 645, § 1, 62 Stat. 687, eff. Sept. 1, 1948.)

## LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 18, U. S. C., 1940 ed., §§ 391, 394 (Mar. 4, 1909, ch. 321, §§ 241, 244, 35 Stat. 1137, 1138; June 15, 1935, ch. 261, title II, § 201, 49 Stat. 381; Reorg. Plan No. II, § 4 (f), 4 F. R. 2731, 53 Stat. 1433).

This section consolidates the provisions of sections 391 and 394 of title 18, U. S. C., 1940 ed., as subsections (a) and (b), respectively.

In subsection (a) the words "Territory or District thereof" were omitted as unnecessary in view of the definition of the United States in section 5 of this title.

In subsection (b) the words "upon conviction thereof", were omitted as surplusage because punishment can only be imposed after conviction.